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NEW YORK, NY 10036

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JUL 9 2001

In re Application of
Ly, Macmillen, Miller and Knapp
Application No. 09/590,584
Filed: June 8, 2000
For: METHODS FOR AUTOMATICALLY
PIPELINING LOOPS

OFFICE OF PETITIONS
A/C PATENTS

:
:
: DECISION REFUSING STATUS
: UNDER 37 CFR 1.47(a)

This is in response to the "Petition Under 37 CFR 1.47(a)," filed October 16, 2000. The decision on petition mailed February 27, 2001, is hereby vacated and replaced with the instant decision on petition. The Office sincerely apologizes for any inconvenience caused to petitioner by this action.

The petition is dismissed.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor.

FAILURE TO RESPOND WILL RESULT IN ABANDONMENT OF THE APPLICATION. Any extensions of time will be governed by 37 CFR 1.136(a).

The above-identified application was filed on June 8, 2000 without an executed oath or declaration and naming Ly, Macmillen, Miller and Knapp as joint inventors.

Accordingly, on July 11, 2000, a "Notice to File Missing Parts of Application" was mailed, requiring an executed oath or declaration and a surcharge for late filing.

In response, on October 16, 2000, the instant petition, three separate Declarations by the signing inventors, a declaration and statement of facts

by Jonathan T. Kaplan, the petition fee and a general authorization to charge the surcharge and a one month extension of time were filed.

A grantable petition under 37 CFR 1.47(a) requires:

- (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings);
- (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116;
- (3) the petition fee; and
- (4) a statement of the last known address of the non-signing inventor.

Applicant lacks item (2), as set forth above.

As to item (2), the Declarations, submitted October 16, 2000, contain an independent, signed, signature block for only one inventor on each Declaration. However, when using separate oath or declarations for joint inventors, the signature block of **every** joint inventor should appear on each oath or declaration to be signed by a joint inventor. Petitioner should submit, with any renewed petition petitioner may wish to file, new Declarations that contain the signature block of every joint inventor on each of the signed Declarations.

Pursuant to petitioner's authorization, deposit account no. 02-4270 was charged \$110.00 for the one month extension of time, \$130.00 for filing a late Declaration, and \$130.00 for filing the instant petition to the Commissioner.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Assistant Commissioner for Patents
 Box DAC
 Washington, DC 20231

By FAX: (703) 308-6916
Attn: Office of Petitions

By hand: Office of Petitions
2201 South Clark Place
Crystal Plaza 4, Suite 3C23
Arlington, VA

Telephone inquiries related to this decision should be directed to Petitions Attorney Edward Tannouse at (703) 306-9200.

A handwritten signature in black ink, appearing to read "B. Flanagan".

Beverly M. Flanagan
Supervisory Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy